



Sen. James F. Clayborne, Jr.

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1 AMENDMENT TO SENATE BILL 2989

2 AMENDMENT NO. _____. Amend Senate Bill 2989 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 5-1 as follows:

6 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

7 Sec. 5-1. Licenses issued by the Illinois Liquor Control
8 Commission shall be of the following classes:

9 (a) Manufacturer's license - Class 1. Distiller, Class 2.
10 Rectifier, Class 3. Brewer, Class 4. First Class Wine
11 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
12 First Class Winemaker, Class 7. Second Class Winemaker, Class
13 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class
14 10. Class 1 Brewer, Class 11. Class 2 Brewer,

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

- 1 (d) Retailer's license,
- 2 (e) Special Event Retailer's license (not-for-profit),
- 3 (f) Railroad license,
- 4 (g) Boat license,
- 5 (h) Non-Beverage User's license,
- 6 (i) Wine-maker's premises license,
- 7 (j) Airplane license,
- 8 (k) Foreign importer's license,
- 9 (l) Broker's license,
- 10 (m) Non-resident dealer's license,
- 11 (n) Brew Pub license,
- 12 (o) Auction liquor license,
- 13 (p) Caterer retailer license,
- 14 (q) Special use permit license,
- 15 (r) Winery shipper's license.

16 No person, firm, partnership, corporation, or other legal
17 business entity that is engaged in the manufacturing of wine
18 may concurrently obtain and hold a wine-maker's license and a
19 wine manufacturer's license.

20 (a) A manufacturer's license shall allow the manufacture,
21 importation in bulk, storage, distribution and sale of
22 alcoholic liquor to persons without the State, as may be
23 permitted by law and to licensees in this State as follows:

24 Class 1. A Distiller may make sales and deliveries of
25 alcoholic liquor to distillers, rectifiers, importing
26 distributors, distributors and non-beverage users and to no

1 other licensees.

2 Class 2. A Rectifier, who is not a distiller, as defined
3 herein, may make sales and deliveries of alcoholic liquor to
4 rectifiers, importing distributors, distributors, retailers
5 and non-beverage users and to no other licensees.

6 Class 3. A Brewer may make sales and deliveries of beer to
7 importing distributors and distributors and may make sales as
8 authorized under subsection (e) of Section 6-4 of this Act.

9 Class 4. A first class wine-manufacturer may make sales and
10 deliveries of up to 50,000 gallons of wine to manufacturers,
11 importing distributors and distributors, and to no other
12 licensees.

13 Class 5. A second class Wine manufacturer may make sales
14 and deliveries of more than 50,000 gallons of wine to
15 manufacturers, importing distributors and distributors and to
16 no other licensees.

17 Class 6. A first-class wine-maker's license shall allow the
18 manufacture of up to 50,000 gallons of wine per year, and the
19 storage and sale of such wine to distributors in the State and
20 to persons without the State, as may be permitted by law. A
21 person who, prior to June 1, 2008 (the effective date of Public
22 Act 95-634) ~~this amendatory Act of the 95th General Assembly,~~
23 is a holder of a first-class wine-maker's license and annually
24 produces more than 25,000 gallons of its own wine and who
25 distributes its wine to licensed retailers shall cease this
26 practice on or before July 1, 2008 in compliance with Public

1 ~~Act 95-634 this amendatory Act of the 95th General Assembly.~~

2 Class 7. A second-class wine-maker's license shall allow
3 the manufacture of between 50,000 and 150,000 gallons of wine
4 per year, and the storage and sale of such wine to distributors
5 in this State and to persons without the State, as may be
6 permitted by law. A person who, prior to June 1, 2008 (the
7 effective date of Public Act 95-634) ~~this amendatory Act of the~~
8 ~~95th General Assembly~~, is a holder of a second-class
9 wine-maker's license and annually produces more than 25,000
10 gallons of its own wine and who distributes its wine to
11 licensed retailers shall cease this practice on or before July
12 1, 2008 in compliance with Public Act 95-634 ~~this amendatory~~
13 ~~Act of the 95th General Assembly.~~

14 Class 8. A limited wine-manufacturer may make sales and
15 deliveries not to exceed 40,000 gallons of wine per year to
16 distributors, and to non-licensees in accordance with the
17 provisions of this Act.

18 Class 9. A craft distiller license shall allow the
19 manufacture of up to 30,000 gallons of spirits by distillation
20 for one year after March 1, 2013 (the effective date of Public
21 Act 97-1166) ~~this amendatory Act of the 97th General Assembly~~
22 and up to 35,000 gallons of spirits by distillation per year
23 thereafter and the storage of such spirits. If a craft
24 distiller licensee is not affiliated with any other
25 manufacturer, then the craft distiller licensee may sell such
26 spirits to distributors in this State and up to 2,500 gallons

1 of such spirits to non-licensees to the extent permitted by any
2 exemption approved by the Commission pursuant to Section 6-4 of
3 this Act.

4 Any craft distiller licensed under this Act who on July 28,
5 2010 (the effective date of Public Act 96-1367) ~~this amendatory~~
6 ~~Act of the 96th General Assembly~~ was licensed as a distiller
7 and manufactured no more spirits than permitted by this Section
8 shall not be required to pay the initial licensing fee.

9 Class 10. A class 1 brewer license, which may only be
10 issued to a licensed brewer or licensed non-resident dealer,
11 shall allow the manufacture of up to 930,000 gallons of beer
12 per year provided that the class 1 brewer licensee does not
13 manufacture more than a combined 930,000 gallons of beer per
14 year and is not a member of or affiliated with, directly or
15 indirectly, a manufacturer that produces more than 930,000
16 gallons of beer per year or any other alcoholic liquor. A class
17 1 brewer licensee may make sales and deliveries to importing
18 distributors and distributors and to retail licensees in
19 accordance with the conditions set forth in paragraph (18) of
20 subsection (a) of Section 3-12 of this Act.

21 Class 11. A class 2 brewer license, which may only be
22 issued to a licensed brewer or licensed non-resident dealer,
23 shall allow the manufacture of up to 3,720,000 gallons of beer
24 per year provided that the class 2 brewer licensee does not
25 manufacture more than a combined 3,720,000 gallons of beer per
26 year and is not a member of or affiliated with, directly or

1 indirectly, a manufacturer that produces more than 3,720,000
2 gallons of beer per year or any other alcoholic liquor. A class
3 2 brewer licensee may make sales and deliveries to importing
4 distributors and distributors, but shall not make sales or
5 deliveries to any other licensee. If the State Commission
6 provides prior approval, a class 2 brewer licensee may annually
7 transfer up to 3,720,000 gallons of beer manufactured by that
8 class 2 brewer licensee to the premises of a licensed class 2
9 brewer wholly owned and operated by the same licensee.

10 (a-1) A manufacturer which is licensed in this State to
11 make sales or deliveries of alcoholic liquor to licensed
12 distributors or importing distributors and which enlists
13 agents, representatives, or individuals acting on its behalf
14 who contact licensed retailers on a regular and continual basis
15 in this State must register those agents, representatives, or
16 persons acting on its behalf with the State Commission.

17 Registration of agents, representatives, or persons acting
18 on behalf of a manufacturer is fulfilled by submitting a form
19 to the Commission. The form shall be developed by the
20 Commission and shall include the name and address of the
21 applicant, the name and address of the manufacturer he or she
22 represents, the territory or areas assigned to sell to or
23 discuss pricing terms of alcoholic liquor, and any other
24 questions deemed appropriate and necessary. All statements in
25 the forms required to be made by law or by rule shall be deemed
26 material, and any person who knowingly misstates any material

1 fact under oath in an application is guilty of a Class B
2 misdemeanor. Fraud, misrepresentation, false statements,
3 misleading statements, evasions, or suppression of material
4 facts in the securing of a registration are grounds for
5 suspension or revocation of the registration. The State
6 Commission shall post a list of registered agents on the
7 Commission's website.

8 (b) A distributor's license shall allow the wholesale
9 purchase and storage of alcoholic liquors and sale of alcoholic
10 liquors to licensees in this State and to persons without the
11 State, as may be permitted by law.

12 (c) An importing distributor's license may be issued to and
13 held by those only who are duly licensed distributors, upon the
14 filing of an application by a duly licensed distributor, with
15 the Commission and the Commission shall, without the payment of
16 any fee, immediately issue such importing distributor's
17 license to the applicant, which shall allow the importation of
18 alcoholic liquor by the licensee into this State from any point
19 in the United States outside this State, and the purchase of
20 alcoholic liquor in barrels, casks or other bulk containers and
21 the bottling of such alcoholic liquors before resale thereof,
22 but all bottles or containers so filled shall be sealed,
23 labeled, stamped and otherwise made to comply with all
24 provisions, rules and regulations governing manufacturers in
25 the preparation and bottling of alcoholic liquors. The
26 importing distributor's license shall permit such licensee to

1 purchase alcoholic liquor from Illinois licensed non-resident
2 dealers and foreign importers only.

3 (d) A retailer's license shall allow the licensee to sell
4 and offer for sale at retail, only in the premises specified in
5 the license, alcoholic liquor for use or consumption, but not
6 for resale in any form. Nothing in Public Act 95-634 ~~this~~
7 ~~amendatory Act of the 95th General Assembly~~ shall deny, limit,
8 remove, or restrict the ability of a holder of a retailer's
9 license to transfer, deliver, or ship alcoholic liquor to the
10 purchaser for use or consumption subject to any applicable
11 local law or ordinance. Any retail license issued to a
12 manufacturer shall only permit the manufacturer to sell beer at
13 retail on the premises actually occupied by the manufacturer.
14 For the purpose of further describing the type of business
15 conducted at a retail licensed premises, a retailer's licensee
16 may be designated by the State Commission as (i) an on premise
17 consumption retailer, (ii) an off premise sale retailer, or
18 (iii) a combined on premise consumption and off premise sale
19 retailer.

20 Notwithstanding any other provision of this subsection
21 (d), a retail licensee may sell alcoholic liquors to a special
22 event retailer licensee for resale to the extent permitted
23 under subsection (e).

24 (e) A special event retailer's license (not-for-profit)
25 shall permit the licensee to purchase alcoholic liquors from an
26 Illinois licensed distributor (unless the licensee purchases

1 less than \$500 of alcoholic liquors for the special event, in
2 which case the licensee may purchase the alcoholic liquors from
3 a licensed retailer) and shall allow the licensee to sell and
4 offer for sale, at retail, alcoholic liquors for use or
5 consumption, but not for resale in any form and only at the
6 location and on the specific dates designated for the special
7 event in the license. An applicant for a special event retailer
8 license must (i) furnish with the application: (A) a resale
9 number issued under Section 2c of the Retailers' Occupation Tax
10 Act or evidence that the applicant is registered under Section
11 2a of the Retailers' Occupation Tax Act, (B) a current, valid
12 exemption identification number issued under Section 1g of the
13 Retailers' Occupation Tax Act, and a certification to the
14 Commission that the purchase of alcoholic liquors will be a
15 tax-exempt purchase, or (C) a statement that the applicant is
16 not registered under Section 2a of the Retailers' Occupation
17 Tax Act, does not hold a resale number under Section 2c of the
18 Retailers' Occupation Tax Act, and does not hold an exemption
19 number under Section 1g of the Retailers' Occupation Tax Act,
20 in which event the Commission shall set forth on the special
21 event retailer's license a statement to that effect; (ii)
22 submit with the application proof satisfactory to the State
23 Commission that the applicant will provide dram shop liability
24 insurance in the maximum limits; and (iii) show proof
25 satisfactory to the State Commission that the applicant has
26 obtained local authority approval.

1 (f) A railroad license shall permit the licensee to import
2 alcoholic liquors into this State from any point in the United
3 States outside this State and to store such alcoholic liquors
4 in this State; to make wholesale purchases of alcoholic liquors
5 directly from manufacturers, foreign importers, distributors
6 and importing distributors from within or outside this State;
7 and to store such alcoholic liquors in this State; provided
8 that the above powers may be exercised only in connection with
9 the importation, purchase or storage of alcoholic liquors to be
10 sold or dispensed on a club, buffet, lounge or dining car
11 operated on an electric, gas or steam railway in this State;
12 and provided further, that railroad licensees exercising the
13 above powers shall be subject to all provisions of Article VIII
14 of this Act as applied to importing distributors. A railroad
15 license shall also permit the licensee to sell or dispense
16 alcoholic liquors on any club, buffet, lounge or dining car
17 operated on an electric, gas or steam railway regularly
18 operated by a common carrier in this State, but shall not
19 permit the sale for resale of any alcoholic liquors to any
20 licensee within this State. A license shall be obtained for
21 each car in which such sales are made.

22 (g) A boat license shall allow the sale of alcoholic liquor
23 in individual drinks, on any passenger boat regularly operated
24 as a common carrier on navigable waters in this State or on any
25 riverboat operated under the Riverboat Gambling Act, which boat
26 or riverboat maintains a public dining room or restaurant

1 thereon.

2 (h) A non-beverage user's license shall allow the licensee
3 to purchase alcoholic liquor from a licensed manufacturer or
4 importing distributor, without the imposition of any tax upon
5 the business of such licensed manufacturer or importing
6 distributor as to such alcoholic liquor to be used by such
7 licensee solely for the non-beverage purposes set forth in
8 subsection (a) of Section 8-1 of this Act, and such licenses
9 shall be divided and classified and shall permit the purchase,
10 possession and use of limited and stated quantities of
11 alcoholic liquor as follows:

- 12 Class 1, not to exceed 500 gallons
- 13 Class 2, not to exceed 1,000 gallons
- 14 Class 3, not to exceed 5,000 gallons
- 15 Class 4, not to exceed 10,000 gallons
- 16 Class 5, not to exceed 50,000 gallons

17 (i) A wine-maker's premises license shall allow a licensee
18 that concurrently holds a first-class wine-maker's license to
19 sell and offer for sale at retail in the premises specified in
20 such license not more than 50,000 gallons of the first-class
21 wine-maker's wine that is made at the first-class wine-maker's
22 licensed premises per year for use or consumption, but not for
23 resale in any form. A wine-maker's premises license shall allow
24 a licensee who concurrently holds a second-class wine-maker's
25 license to sell and offer for sale at retail in the premises
26 specified in such license up to 100,000 gallons of the

1 second-class wine-maker's wine that is made at the second-class
2 wine-maker's licensed premises per year for use or consumption
3 but not for resale in any form. A wine-maker's premises license
4 shall allow a licensee that concurrently holds a first-class
5 wine-maker's license or a second-class wine-maker's license to
6 sell and offer for sale at retail at the premises specified in
7 the wine-maker's premises license, for use or consumption but
8 not for resale in any form, any beer, wine, and spirits
9 purchased from a licensed distributor. Upon approval from the
10 State Commission, a wine-maker's premises license shall allow
11 the licensee to sell and offer for sale at (i) the wine-maker's
12 licensed premises and (ii) at up to 2 additional locations for
13 use and consumption and not for resale. Each location shall
14 require additional licensing per location as specified in
15 Section 5-3 of this Act. A wine-maker's premises licensee shall
16 secure liquor liability insurance coverage in an amount at
17 least equal to the maximum liability amounts set forth in
18 subsection (a) of Section 6-21 of this Act.

19 (j) An airplane license shall permit the licensee to import
20 alcoholic liquors into this State from any point in the United
21 States outside this State and to store such alcoholic liquors
22 in this State; to make wholesale purchases of alcoholic liquors
23 directly from manufacturers, foreign importers, distributors
24 and importing distributors from within or outside this State;
25 and to store such alcoholic liquors in this State; provided
26 that the above powers may be exercised only in connection with

1 the importation, purchase or storage of alcoholic liquors to be
2 sold or dispensed on an airplane; and provided further, that
3 airplane licensees exercising the above powers shall be subject
4 to all provisions of Article VIII of this Act as applied to
5 importing distributors. An airplane licensee shall also permit
6 the sale or dispensing of alcoholic liquors on any passenger
7 airplane regularly operated by a common carrier in this State,
8 but shall not permit the sale for resale of any alcoholic
9 liquors to any licensee within this State. A single airplane
10 license shall be required of an airline company if liquor
11 service is provided on board aircraft in this State. The annual
12 fee for such license shall be as determined in Section 5-3.

13 (k) A foreign importer's license shall permit such licensee
14 to purchase alcoholic liquor from Illinois licensed
15 non-resident dealers only, and to import alcoholic liquor other
16 than in bulk from any point outside the United States and to
17 sell such alcoholic liquor to Illinois licensed importing
18 distributors and to no one else in Illinois; provided that (i)
19 the foreign importer registers with the State Commission every
20 brand of alcoholic liquor that it proposes to sell to Illinois
21 licensees during the license period, (ii) the foreign importer
22 complies with all of the provisions of Section 6-9 of this Act
23 with respect to registration of such Illinois licensees as may
24 be granted the right to sell such brands at wholesale, and
25 (iii) the foreign importer complies with the provisions of
26 Sections 6-5 and 6-6 of this Act to the same extent that these

1 provisions apply to manufacturers.

2 (1) (i) A broker's license shall be required of all persons
3 who solicit orders for, offer to sell or offer to supply
4 alcoholic liquor to retailers in the State of Illinois, or who
5 offer to retailers to ship or cause to be shipped or to make
6 contact with distillers, rectifiers, brewers or manufacturers
7 or any other party within or without the State of Illinois in
8 order that alcoholic liquors be shipped to a distributor,
9 importing distributor or foreign importer, whether such
10 solicitation or offer is consummated within or without the
11 State of Illinois.

12 No holder of a retailer's license issued by the Illinois
13 Liquor Control Commission shall purchase or receive any
14 alcoholic liquor, the order for which was solicited or offered
15 for sale to such retailer by a broker unless the broker is the
16 holder of a valid broker's license.

17 The broker shall, upon the acceptance by a retailer of the
18 broker's solicitation of an order or offer to sell or supply or
19 deliver or have delivered alcoholic liquors, promptly forward
20 to the Illinois Liquor Control Commission a notification of
21 said transaction in such form as the Commission may by
22 regulations prescribe.

23 (ii) A broker's license shall be required of a person
24 within this State, other than a retail licensee, who, for a fee
25 or commission, promotes, solicits, or accepts orders for
26 alcoholic liquor, for use or consumption and not for resale, to

1 be shipped from this State and delivered to residents outside
2 of this State by an express company, common carrier, or
3 contract carrier. This Section does not apply to any person who
4 promotes, solicits, or accepts orders for wine as specifically
5 authorized in Section 6-29 of this Act.

6 A broker's license under this subsection (1) shall not
7 entitle the holder to buy or sell any alcoholic liquors for his
8 own account or to take or deliver title to such alcoholic
9 liquors.

10 This subsection (1) shall not apply to distributors,
11 employees of distributors, or employees of a manufacturer who
12 has registered the trademark, brand or name of the alcoholic
13 liquor pursuant to Section 6-9 of this Act, and who regularly
14 sells such alcoholic liquor in the State of Illinois only to
15 its registrants thereunder.

16 Any agent, representative, or person subject to
17 registration pursuant to subsection (a-1) of this Section shall
18 not be eligible to receive a broker's license.

19 (m) A non-resident dealer's license shall permit such
20 licensee to ship into and warehouse alcoholic liquor into this
21 State from any point outside of this State, and to sell such
22 alcoholic liquor to Illinois licensed foreign importers and
23 importing distributors and to no one else in this State;
24 provided that (i) said non-resident dealer shall register with
25 the Illinois Liquor Control Commission each and every brand of
26 alcoholic liquor which it proposes to sell to Illinois

1 licensees during the license period, (ii) it shall comply with
2 all of the provisions of Section 6-9 hereof with respect to
3 registration of such Illinois licensees as may be granted the
4 right to sell such brands at wholesale, and (iii) the
5 non-resident dealer shall comply with the provisions of
6 Sections 6-5 and 6-6 of this Act to the same extent that these
7 provisions apply to manufacturers.

8 (n) A brew pub license shall allow the licensee to only (i)
9 manufacture up to 155,000 gallons of beer per year only on the
10 premises specified in the license, (ii) make sales of the beer
11 manufactured on the premises or, with the approval of the
12 Commission, beer manufactured on another brew pub licensed
13 premises that is wholly owned and operated by the same licensee
14 to importing distributors, distributors, and to non-licensees
15 for use and consumption, (iii) store the beer upon the
16 premises, (iv) sell and offer for sale at retail from the
17 licensed premises for off-premises consumption no more than
18 155,000 gallons per year so long as such sales are only made
19 in-person, (v) sell and offer for sale at retail for use and
20 consumption on the premises specified in the license any form
21 of alcoholic liquor purchased from a licensed distributor or
22 importing distributor, and (vi) with the prior approval of the
23 Commission, annually transfer no more than 155,000 gallons of
24 beer manufactured on the premises to a licensed brew pub wholly
25 owned and operated by the same licensee.

26 A brew pub licensee shall not under any circumstance sell

1 or offer for sale beer manufactured by the brew pub licensee to
2 retail licensees.

3 A person who holds a class 2 brewer license may
4 simultaneously hold a brew pub license if the class 2 brewer
5 (i) does not, under any circumstance, sell or offer for sale
6 beer manufactured by the class 2 brewer to retail licensees;
7 (ii) does not hold more than 3 brew pub licenses in this State;
8 (iii) does not manufacture more than a combined 3,720,000
9 gallons of beer per year, including the beer manufactured at
10 the brew pub; and (iv) is not a member of or affiliated with,
11 directly or indirectly, a manufacturer that produces more than
12 3,720,000 gallons of beer per year or any other alcoholic
13 liquor.

14 Notwithstanding any other provision of this Act, a licensed
15 brewer, class 2 brewer, or non-resident dealer who before July
16 1, 2015 manufactured less than ~~than~~ 3,720,000 gallons of beer
17 per year and held a brew pub license on or before July 1, 2015
18 may (i) continue to qualify for and hold that brew pub license
19 for the licensed premises and (ii) manufacture more than
20 3,720,000 gallons of beer per year and continue to qualify for
21 and hold that brew pub license if that brewer, class 2 brewer,
22 or non-resident dealer does not simultaneously hold a class 1
23 brewer license and is not a member of or affiliated with,
24 directly or indirectly, a manufacturer that produces more than
25 3,720,000 gallons of beer per year or that produces any other
26 alcoholic liquor.

1 (o) A caterer retailer license shall allow the holder to
2 serve alcoholic liquors as an incidental part of a food service
3 that serves prepared meals which excludes the serving of snacks
4 as the primary meal, either on or off-site whether licensed or
5 unlicensed.

6 (p) An auction liquor license shall allow the licensee to
7 sell and offer for sale at auction wine and spirits for use or
8 consumption, or for resale by an Illinois liquor licensee in
9 accordance with provisions of this Act. An auction liquor
10 license will be issued to a person and it will permit the
11 auction liquor licensee to hold the auction anywhere in the
12 State. An auction liquor license must be obtained for each
13 auction at least 14 days in advance of the auction date.

14 (q) A special use permit license shall allow an Illinois
15 licensed retailer to transfer a portion of its alcoholic liquor
16 inventory from its retail licensed premises to the premises
17 specified in the license hereby created, and to sell or offer
18 for sale at retail, only in the premises specified in the
19 license hereby created, the transferred alcoholic liquor for
20 use or consumption, but not for resale in any form. A special
21 use permit license may be granted for the following time
22 periods: one day or less; 2 or more days to a maximum of 15 days
23 per location in any 12 month period. An applicant for the
24 special use permit license must also submit with the
25 application proof satisfactory to the State Commission that the
26 applicant will provide dram shop liability insurance to the

1 maximum limits and have local authority approval.

2 (r) A winery shipper's license shall allow a person with a
3 first-class or second-class wine manufacturer's license, a
4 first-class or second-class wine-maker's license, or a limited
5 wine manufacturer's license or who is licensed to make wine
6 under the laws of another state to ship wine made by that
7 licensee directly to a resident of this State who is 21 years
8 of age or older for that resident's personal use and not for
9 resale. Prior to receiving a winery shipper's license, an
10 applicant for the license must provide the Commission with a
11 true copy of its current license in any state in which it is
12 licensed as a manufacturer of wine. An applicant for a winery
13 shipper's license must also complete an application form that
14 provides any other information the Commission deems necessary.
15 The application form shall include all addresses from which the
16 applicant for a winery shipper's license intends to ship wine,
17 including the name and address of any third party authorized to
18 ship wine on behalf of the manufacturer. The application form
19 shall include an acknowledgement consenting to the
20 jurisdiction of the Commission, the Illinois Department of
21 Revenue, and the courts of this State concerning the
22 enforcement of this Act and any related laws, rules, and
23 regulations, including authorizing the Department of Revenue
24 and the Commission to conduct audits for the purpose of
25 ensuring compliance with this amendatory Act, and an
26 acknowledgement that the wine manufacturer is in compliance

1 with Section 6-2 of this Act. Any third party authorized to
2 ship wine on behalf of a first-class or second-class wine
3 manufacturer's licensee, a first-class or second-class
4 wine-maker's licensee, a limited wine manufacturer's licensee,
5 or a person who is licensed to make wine under the laws of
6 another state shall also be disclosed by the winery shipper's
7 licensee, and a copy of the written appointment of the
8 third-party wine provider to the wine manufacturer shall be
9 filed with the State Commission as a supplement to the winery
10 shipper's license application or any renewal thereof. The
11 winery shipper's license holder shall affirm under penalty of
12 perjury, as part of the winery shipper's license application or
13 renewal, that he or she only ships wine, either directly or
14 indirectly through a third-party provider, from the licensee's
15 own production.

16 A third-party provider shipping wine on behalf of a winery
17 shipper's license holder is the agent of the winery shipper's
18 license holder and, as such, a winery shipper's license holder
19 is responsible for the acts and omissions of the third-party
20 provider acting on behalf of the license holder. A third-party
21 provider that engages in shipping wine into Illinois on behalf
22 of a winery shipper's license holder shall consent to the
23 jurisdiction of the State Commission and the State. Any
24 third-party holding such an appointment shall, by February 1 of
25 each calendar year, file with the State Commission a statement
26 detailing each shipment made to an Illinois resident. The State

1 Commission shall adopt rules as soon as practicable to
2 implement the requirements of this amendatory Act of the 99th
3 General Assembly and shall adopt rules prohibiting any such
4 third-party appointment of a third-party provider that has been
5 deemed by the State Commission to have violated the provisions
6 of this Act with regard to any winery shipper licensee.

7 A winery shipper licensee must pay to the Department of
8 Revenue the State liquor gallonage tax under Section 8-1 for
9 all wine that is sold by the licensee and shipped to a person
10 in this State. For the purposes of Section 8-1, a winery
11 shipper licensee shall be taxed in the same manner as a
12 manufacturer of wine. A licensee who is not otherwise required
13 to register under the Retailers' Occupation Tax Act must
14 register under the Use Tax Act to collect and remit use tax to
15 the Department of Revenue for all gallons of wine that are sold
16 by the licensee and shipped to persons in this State. If a
17 licensee fails to remit the tax imposed under this Act in
18 accordance with the provisions of Article VIII of this Act, the
19 winery shipper's license shall be revoked in accordance with
20 the provisions of Article VII of this Act. If a licensee fails
21 to properly register and remit tax under the Use Tax Act or the
22 Retailers' Occupation Tax Act for all wine that is sold by the
23 winery shipper and shipped to persons in this State, the winery
24 shipper's license shall be revoked in accordance with the
25 provisions of Article VII of this Act.

26 A winery shipper licensee must collect, maintain, and

1 submit to the Commission on a semi-annual basis the total
2 number of cases per resident of wine shipped to residents of
3 this State. A winery shipper licensed under this subsection (r)
4 must comply with the requirements of Section 6-29 of this
5 ~~amendatory~~ Act.

6 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of
7 Section 3-12, the State Commission may receive, respond to, and
8 investigate any complaint and impose any of the remedies
9 specified in paragraph (1) of subsection (a) of Section 3-12.

10 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;
11 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; revised 10-27-15.)

12 Section 99. Effective date. This Act takes effect January
13 1, 2017."